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5 UNITED STATES DISTRICT COURT  
6 WESTERN DISTRICT OF WASHINGTON  
7 AT SEATTLE

8 BANK OF NEW YORK, MELLON,

9 Plaintiff,

10 v.

11 SCOTT STAFNE, *et al.*,

12 Defendants.

CASE NO. C16-0077TSZ

ORDER DENYING MOTION FOR  
RECONSIDERATION

13 THIS MATTER comes before the Court on Defendant Scott Stafne's Motion for  
14 Reconsideration, which asks the Court to reconsider its prior Order affirming Judge Zilly's  
15 refusal to recuse himself as the presiding judge in this case. Dkts. #137 and #138. For the  
16 reasons discussed below, the Court DENIES the motion for reconsideration.

17 Mr. Stafne filed a Motion for Recusal on May 26, 2017. Dkt. #134. The Presiding  
18 Judge, the Honorable Thomas S. Zilly, declined to recuse himself and, in accordance with the  
19 Local Rules of this District, referred the matter to the Undersigned for further review. Local  
20 Rules W.D. Wash. LCR 3(e); Dkt. #136. On June 2, 2017, the Undersigned affirmed Judge  
21 Zilly's decision. Dkt. #137. The Undersigned noted that Mr. Stafne had failed to offer any  
22 evidence supporting his allegation that Judge Zilly suffered some form of mental impairment  
23 simply because of his age. The Undersigned further noted that Mr. Stafne had incorrectly  
24 assumed that Judge Zilly was serving in his capacity without being compensated simply by

1 virtue of having taken senior status, and that he failed to cite a single legal precedent tending to  
2 establish that the fact of a presiding judge's senior status has ever been held (in and of itself) to  
3 constitute a proper basis for recusal. Dkt. #137. Mr. Stafne now argues that this Court  
4 committed manifest error in its prior ruling because it failed to provide a complete analysis of his  
5 allegation that volunteer, uncompensated judges may not serve as Article III judges.

6 "Motions for reconsideration are disfavored." LCR 7(h). "The court will ordinarily  
7 deny such motions in the absence of a showing of manifest error in the prior ruling or a  
8 showing of new facts or legal authority which could not have been brought to its attention  
9 earlier with reasonable diligence." LCR 7(h)(1). In this case, Mr. Stafne presents no  
10 persuasive argument that this Court committed manifest error in its prior Order, nor any new  
11 facts or legal authority which could not have been brought to the Court's attention earlier  
12 without reasonable diligence. For these reasons, his motion for reconsideration (Dkt. #138) is  
13 DENIED.

14 The Clerk SHALL provide copies of this order to Defendants and to all counsel of record.

15 Dated this 6 day of June, 2017.

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18 RICARDO S. MARTINEZ  
19 CHIEF UNITED STATES DISTRICT JUDGE  
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